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21 \*Pro hac vice applications to be filed upon the assignment of this case to a judge.

22 UNITED STATES DISTRICT COURT  
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
24 SAN FRANCISCO DIVISION

25 INTERNET ARCHIVE; AMERICAN CIVIL  
26 LIBERTIES UNION; AMERICAN CIVIL  
27 LIBERTIES UNION FOUNDATION;  
28 AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA, INC.;  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA, INC.; and ELECTRONIC  
FRONTIER FOUNDATION,

Plaintiffs,

v.

MICHAEL B. MUKASEY, in his official  
capacity as Attorney General of the United  
States; ROBERT S. MUELLER III, in his  
official capacity as Director of the Federal  
Bureau of Investigation; and ARTHUR M.  
CUMMINGS II, in his official capacity as  
Deputy Assistant Director of the  
Counterterrorism Division of the Federal Bureau  
of Investigation,

Defendants.

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*cindy@eff.org*

KURT OPSAHL (SB # 191303)

*kurt@eff.org*

MARCIA HOFMANN (SB # 250087)

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Case No. \_\_\_\_\_

DECLARATION OF BREWSTER  
KAHLE IN SUPPORT OF PETITION TO  
SET ASIDE NATIONAL SECURITY  
LETTER

DOCUMENT SUBMITTED UNDER  
SEAL

1  
2  
3 I, Brewster Kahle, declare as follows:

4 1. My name is Brewster Kahle and I co-founded the Internet Archive ("the Archive").  
5 Currently, I serve as Chair of the organization's Board of Directors and as a Digital Librarian.  
6 Except as otherwise indicated, I have personal knowledge of the matters set forth herein and, if  
7 called upon to do so, could and would competently testify thereto.  
8

9 2. Before founding the Archive, I invented the WAIS (Wide Area Information Server)  
10 system and, in 1992, founded WAIS Inc., an electronic publishing company sold in 1995 to AOL.  
11 Before that, I served as senior engineer for Thinking Machines, a parallel supercomputer maker,  
12 between 1983 and 1989. I earned a Bachelor of Science from the Massachusetts Institute of  
13 Technology in 1982.

14 3. In addition to my work at the Archive, I am co-founder, President, Chief Executive  
15 Officer and Chair of the Board of Directors of Alexa Internet, now a wholly owned subsidiary of  
16 Amazon.com. Alexa is a leading provider of Internet navigation and search services.  
17

18 The Archive

19 4. The Archive, located in San Francisco, California, is a 501(c)(3) nonprofit  
20 organization established in 1996 with the purpose of offering permanent access to historical  
21 collections that exist in digital format to researchers, historians, and scholars. The Archive is  
22 governed by a three-member board of directors, and has more than one hundred employees.

23 5. The Archive was founded to build an "Internet library," which is available to the  
24 general public at <http://www.archive.org>. The Archive's overarching mission is to provide  
25 universal access to all knowledge. Attached hereto as Exhibit A is a true and correct copy of the  
26  
27  
28

1 Internet Archive web page, *About IA*, <http://www.archive.org/about/about.php> (last visited Dec.  
2 11, 2007).

3 6. To fulfill its mission, the Archive works with national libraries, museums,  
4 universities, and the general public to collect and offer free access to materials on the Internet,  
5 including texts, audio, moving images, software, and archived web pages in its collections. To  
6 ensure continued access, the Archive provides permanent, archival storage and preservation  
7 services for this extensive digital material.

8 7. The Archive builds and maintains its digital collection in a number of ways. It  
9 receives donations to its collections from a multitude of resources, including libraries, educational  
10 institutions, private companies and individuals.

11 8. In 1999, the Archive began to digitize archival and education movies. As part of  
12 this work, the Archive has digitized more than 1,900 important public domain archival films from  
13 the collection of the Prelinger Archives. These films are now available to the public at no charge  
14 for download on the Internet at <http://www.archive.org/movies>.

15 9. The Archive also has worked with a number of partners to digitize books and make  
16 them available online. The Archive's book collection currently contains over 200,000 volumes  
17 from over 70 contributing libraries. The Archive's holdings contain more material than 95% of the  
18 world's libraries. Some of the Archive's partners include the Library of Congress, National  
19 Archives, and the British Library, among many others. In 2005, the Archive formed the Open  
20 Content Alliance to build a joint collection of digitized public domain books.

21 10. The Archive has been formally recognized as a library by the State of California.  
22 Attached hereto as Exhibit B is a true and correct copy of a letter dated December 13, 2006, from  
23 Susan Hildreth, State Librarian of California, to Mel Blackwell, Vice President, Schools &  
24 Libraries Division, Universal Service Administrative Company. In this letter, Ms. Hildreth certifies  
25  
26  
27  
28

1 that the Archive is a library eligible to receive funding under the Library Services and Technology  
2 Act, and also qualifies for E-Rate, a program that provides discounts to schools and libraries to  
3 ensure they are able to obtain affordable telecommunications services. In addition, the Archive has  
4 been a member of the American Library Association since 2000.

5  
6 11. One of the unique features of the Archive is a service known as the Wayback  
7 Machine, which allows people to visit archived versions of websites. The Archive has created and  
8 maintained the Wayback Machine by collecting snapshots of billions of public web pages, except  
9 those that have opted not to be archived, every two months for the last ten years. Thus the  
10 Wayback Machine makes it possible to surf more than 85 billion pages stored in the Internet  
11 Archive's web archive. Visitors to the Wayback Machine can type in a Uniform Resource Locator  
12 (URL), such as a website address, select a date, and then begin surfing on an archived version of  
13 the Web. The archived files, when retrieved by the Wayback Machine, point to other archived  
14 files, whether HTML (HyperText Markup Language, typically web pages) or images. If a visitor  
15 clicks on a link on an archived page, the Wayback Machine will provide the archived file with the  
16 closest available date to the originally requested page.

17  
18 12. The Archive also accepts donated material from individual patrons, including audio  
19 and video recordings that belong in a library. Thus, members of the public directly contribute  
20 resources to the Archive's digital collection. As with the other materials available on the Archive,  
21 the Archive provides permanent, archival storage and preservation services for this digital material  
22 to ensure that it remains accessible.

23  
24 13. As a library, the Archive actively works to serve its patrons as a resource for  
25 exploration, research, and learning. The Archive seeks to provide a safe environment for its  
26 patrons' contribution of and access to digital materials through its website. Accordingly, an  
27 individual wishing to view digital materials on the Archive's website may do so as an "anonymous  
28

1 user" -- that is to say, without logging in to the website. However, individuals who would like to  
2 upload materials, post reviews, or communicate on message boards must first register with the  
3 Archive, which includes agreeing to "Terms of Use," providing a "valid" (although unverified) e-  
4 mail address, creating a password, and supplying a screen name. They can then log in to their  
5 accounts to engage in these activities.  
6

7 14. While the Archive intentionally limits the information that it collects and retains  
8 from patrons, from time to time it may possess non-public information about them. Such records  
9 may include the date the patron's account was opened, the screen names associated with the  
10 patron's account, an unconfirmed email address associated with the patron, and messages of those  
11 who communicate with the Archive via email.  
12

#### 13 The November 2007 NSL

14 15. The Archive has worked with various federal government agencies including the  
15 Department of Justice, the Federal Bureau of Investigation and the Central Intelligence Agency.  
16 Many U.S. Attorneys and other law enforcement officials find the Archive a valuable resource,  
17 and we have regularly received requests for information about our collections, most frequently the  
18 Wayback Machine. The Archive has in the past complied with lawful subpoenas.  
19

20 16. Attorneys employed by the Electronic Frontier Foundation ("EFF") represent the  
21 Archive for the purpose of responding to government requests for information from the Archive.  
22

23 17. On or around June 4, 2007, Special Agent Scott Rakowitz of the San Francisco  
24 office of the Federal Bureau of Investigation contacted the Archive to schedule a liaison meeting.  
25 The Archive asked EFF Senior Staff Attorney Kurt Opsahl to follow up with Special Agent  
26 Rakowitz. The meeting eventually occurred on or around July 5, 2007. As a result of that meeting,  
27 the FBI agreed to serve any record demands directed to the Archive on the attorneys at EFF as the  
28 Archive's counsel for such matters.

1       18.     On November 27, 2007, Kurt Opsahl and EFF staff attorney Marcia Hofmann came  
2 to my office to show me a National Security Letter ("NSL") the FBI had served on November 26,  
3 2007.

4       19.     The NSL directed the Archive to provide information about one of its patrons.  
5 Specifically, the NSL states that the Archive is "hereby directed to provide the [FBI] the  
6 subscriber's name, address, length of service, and electronic communication transactional records,  
7 to include existing transaction/activity logs and all electronic mail (e-mail) header information (not  
8 to include message content and/or subject fields)" pertaining to [REDACTED]  
9 [REDACTED]

10                     The NSL also includes a certification that  
11 "the information sought is relevant to an authorized investigation to protect against international  
12 terrorism or clandestine intelligence activities."  
13

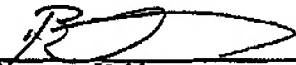
14       20.     In addition, the letter includes a certification that "disclosure of the fact that the FBI  
15 has sought or obtained access to the information sought by this letter may endanger the national  
16 security of the United States, interfere with a criminal, counterterrorism, or counterintelligence  
17 investigation, interfere with diplomatic relations, or endanger the life or physical safety of a  
18 person." The letter states that I am prohibited from "disclosing [the] letter, other than to those to  
19 whom disclosure is necessary to comply with the letter or to an attorney to obtain legal advice or  
20 legal assistance with respect to this letter."  
21

22       21.     The NSL statute and the November 2007 NSL have prevented me from disclosing  
23 information about the November 2007 NSL to anyone other than my attorneys or those to whom  
24 disclosure is necessary in order to comply with the letter.

25       I declare under penalty of perjury that the foregoing is true and correct to the best of my  
26 knowledge and belief.  
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Executed on this day, December 12, 2007.

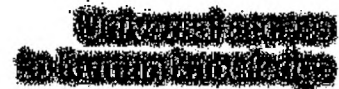
  
Brewster Kahle

# EXHIBIT A





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### About the Internet Archive

The Internet Archive is a 501(c)(3) non-profit that was founded to build an Internet library, with the purpose of offering permanent access for researchers, historians, and scholars to historical collections that exist in digital format. Founded in 1996 and located in the



Presidio of San Francisco, the Archive has been receiving data donations from [Alexa Internet](#) and others. In late 1999, the organization started to grow to include more well-rounded collections. Now the Internet Archive includes [texts](#), [audio](#), [moving images](#), and [software](#) as well as [archived web pages](#) in our collections.

#### Why the Archive is Building an 'Internet Library'

Libraries exist to preserve society's cultural artifacts and to provide access to them. If libraries are to continue to foster education and scholarship in this era of digital technology, it's essential for them to extend those functions into the digital world.

Many early movies were recycled to recover the silver in the film. The [Library of Alexandria](#) - an ancient center of learning containing a copy of every book in the world - was eventually burned to the ground. Even now, at the turn of the 21st century, no comprehensive archives of television or radio programs exist.

But without cultural artifacts, civilization has no memory and no mechanism to learn from its successes and failures. And paradoxically, with the explosion of the Internet, we live in what Danny Hillis has referred to as our "[digital dark age](#)."

The Internet Archive is working to prevent the Internet - a new medium with major historical significance - and other "born-digital" materials from disappearing into the past. Collaborating with institutions including the [Library of Congress](#) and the [Smithsonian](#), we are working to preserve a

[Cnet Article- Grant Funds  
Open-Source Challenge to  
Google Library](#)

[Ap Story Picked up by  
several major publications!](#)

[Forbes.com picks up AP  
story on the Archive! "When  
a website dies, it goes to  
Heaven..."](#)

[SF Chronicle spotlights Tech  
Award winners](#)

Member



ALA

record for generations to come.

Open and free access to literature and other writings has long been considered essential to education and to the maintenance of an open society. Public and philanthropic enterprises have supported it through the ages.

The Internet Archive is opening its collections to researchers, historians, and scholars. The Archive has no vested interest in the discoveries of the users of its collections, nor is it a grant-making organization.

At present, the size of our Web collection is such that using it requires programming skills. However, we are hopeful about the development of tools and methods that will give the general public easy and meaningful access to our collective history. In addition to developing our own collections, we are working to promote the formation of other Internet libraries in the United States and elsewhere.

#### Find out

- [How to make a Monetary Donation to the Archive](#)
- About our [announcement and discussion lists](#) on Internet libraries and movie archives as well as our [user forums](#)

#### Future Libraries - How People Envision Using Internet Libraries

**From ephemera to artifact:** Internet libraries can change the content of the Internet from ephemera to enduring artifacts of our political and cultural lives.

"I believe historians need every possible piece of paper and archived byte of digital data they can muster. The Smithsonian Institution sees the value, and has affiliated with the Archive to preserve the 1996 campaign Web sites, official and unofficial."

Dan Gillmor, computing editor, *San Jose Mercury News*, 1 September 1996

**Protecting our right to know:** Most states have pre-Internet sunshine laws that require public access to government documents. Yet while the Internet has generally increased public access to information, states have just begun to amend those laws to reflect today's Internet environment. According to Bill Chamberlin, director of the [Marion Brechner Citizen Access Project](#) at the University of Florida's College of Journalism and Communications, such laws are being enacted "piecemeal, one state at a time," and cover information that varies widely in nature - everything from "all public records" to specialized information such as education reports and the licensing status of medical practitioners. In the meantime, while public officials are posting more information on the Internet than their state legislatures require, there's little regulatory control over exactly what is posted, when it's taken off, or how often it's updated. This leaves a gap that online libraries can help to fill.

**Exercising our "right to remember":** Without paper libraries, it would be hard to exercise our "right to remember" our political history or hold government accountable. With much of the public's business now moving

from paper to digital media, Internet libraries are certain to become essential in maintaining that right. Imagine, for instance, how news coverage of an election campaign might suffer if journalists had only limited access to previous statements that candidates had made in the media.

"The Internet Archive is a service so essential that its founding is bound to be looked back on with the fondness and respect that people now have for the public libraries seeded by Andrew Carnegie a century ago.... Digitized information, especially on the Internet, has such rapid turnover these days that total loss is the norm. Civilization is developing severe amnesia as a result; indeed it may have become too amnesiac already to notice the problem properly. The Internet Archive is the beginning of a cure - the beginning of complete, detailed, accessible, searchable memory for society, and not just scholars this time, but everyone."

Stewart Brand, president, The Long Now Foundation

**Establishing Internet centers internationally:** What is a country without a memory of its cultural heritage? Internet libraries are the place to preserve the aspect of a country's heritage that exists on the Internet.

**Tracing the way our language changes:** During the late 19th century, James Murray, a professor at Oxford University, built the first edition of the *Oxford English Dictionary* by sending copies of selected books to "men of letters" who volunteered to search them for the first occurrences of words and to trace the migration of their various meanings. Internet libraries could allow linguists to automate much of this extremely labor-intensive process.

**Tracking the Web's evolution:** Historians, sociologists, and journalists could use Internet libraries to hold up a mirror to society. For example, they might ask when different ethnic groups or special interests or certain businesses became a presence on the Internet.

"We don't know where this Internet is going, and once we get there it will be very instructive to look back."

Donald Heath, president of the Internet Society in Reston, Virginia

**Reviving dead links:** A few services - such as UC Berkeley's Digital Library Project, the Online Computer Library Center, and Alexa Internet are starting to offer access to archived versions of Web pages when those pages have been removed from the Web. This means that if you get a "404 - Page Not Found" error, you'll still be able to find a version of the page.

**Understanding the economy:** Economists could use Archive data such as link structures - what and how many links a site contains - to investigate how the Web affects commerce.

**Finding out what the Web tells us about ourselves:** Researchers could use data on links and traffic to better understand human behavior and communication.

"Researchers could use the Archive's Web snapshots in combination with usage statistics to compare how people in different countries use the Web over long periods of time.... Political scientists and sociologists could use the data to study how public opinion gets formed. For example, suppose a device for increasing privacy became available: Would it change usage patterns?"

Bernardo Huberman, Xerox Palo Alto Research Center

"The Internet Archive has created a kind of test tube that allows a broad range of researchers to analyze the Web in ways that have never been possible before. What makes this type of research unique is that it often requires the fusion of traditional tools and techniques with new methods, and it results in the development of new theories, techniques, and metrics."

James Pitkow, Xerox Palo Alto Research Center

**Looking back:** With a "way-back machine" - a device that displayed the Web as it looked on a given date - historians and others would literally have a window on the past.

How would you use an Internet library?

#### **Related Projects and Research**

Internet libraries raise many issues in a range of areas, including archiving technology, copyright, privacy and free speech, trademark, trade secrets, import/export issues, stolen property, pornography, the question of who will have access to the libraries, and more.

Below are links to projects, resources, and institutions related to Internet libraries.

Internet Libraries and Librarianship

Archiving Technology

Internet Mapping

Internet Statistics

Copyright

Privacy and Free Speech

#### **Internet Libraries and Librarianship**

Alexa Internet has catalogued Web sites and provides this information in a free service.

[www.alexa.com](http://www.alexa.com)

The American Library Association is a major trade association of American libraries.

[www.ala.org](http://www.ala.org)

The Australian National Library collects material including organizational Web sites.

[pandora.nla.gov.au/documents.html](http://pandora.nla.gov.au/documents.html)

**The Council on Library and Information Resources**

works to ensure the well-being of the scholarly communication system.

[www.clir.org](http://www.clir.org)

See its publication *Why Digitize?* at

[www.clir.org/pubs/reports/pub80-smith/pub80.html](http://www.clir.org/pubs/reports/pub80-smith/pub80.html)

**The Digital Library Forum (D-Lib)** publishes an online magazine and other resources for building digital libraries.  
[www.dlib.org](http://www.dlib.org)

**Attorney I. Trotter Hardy** explains copyright law and examines its implications for digital materials in his paper *Internet Archives and Copyright*.  
[copyright.TH.php](http://copyright.TH.php)

**The Internet Public Library** site has many links to online resources for the general public.  
[www.ipl.org](http://www.ipl.org)

**Brewster Kahle** is a founder of WAIS Inc. and Alexa Internet and chairman of the board of the Internet Archive. See his paper *The Ethics of Digital Librarianship* at [ethics.BK.php](http://ethics.BK.php)

**Michael Lesk** of the National Science Foundation has written extensively on digital archiving and digital libraries.  
[www.purl.net/NET/lesk](http://www.purl.net/NET/lesk)

**The Library of Congress** is the national library of the United States.  
[www.loc.gov](http://www.loc.gov)

**The Museum Digital Library** plans to help digitize collections and provide access to them.  
[www.digital/museums.org](http://www.digital/museums.org)

**The National Archives and Records Administration** oversees the management of all US federal records. It also archives federal Web sites including the *Clinton White House site*.  
[www.nara.gov](http://www.nara.gov)

**The National Science Foundation Digital Library Program** has funded academic research on digital libraries.  
[www.nsf.gov/home/crssprgm/dli/start.htm](http://www.nsf.gov/home/crssprgm/dli/start.htm)

**National Technical Information Service (NTIS)**, U.S. Department of Commerce, Technology Administration. NTIS is an archive and distributor of scientific, technical, engineering and business related information developed by and for the federal government.  
[www.ntis.gov](http://www.ntis.gov)

**Network Wizards** has been tracking Internet growth for many years.  
[www.nw.com](http://www.nw.com)

**Project Gutenberg** is making ASCII versions of classic

literature openly available. [www.gutenberg.org](http://www.gutenberg.org)

The Radlo and Television Archive has many links to related resources.

[www.rtfv.unt.edu/links/histsites.htm](http://www.rtfv.unt.edu/links/histsites.htm)

Revival of the Library of Alexandria is a project to revive the ancient library in Egypt.

[www.bibalex.org](http://www.bibalex.org)

The Society of American Archivists is a professional association focused on ensuring the identification, preservation, and use of records of historical value.

[www.archivists.org](http://www.archivists.org)

The Royal Institute of Technology Library in Sweden is creating a system of quality-assessed information resources on the Internet for academic use.

[www.lib.kth.se/main/eng](http://www.lib.kth.se/main/eng)

The United States Government Printing Office produces and distributes information published by the US government.

[www.access.gpo.gov](http://www.access.gpo.gov)

The University of Virginia is building a catalog of digital library activities.

<http://www.lib.virginia.edu/digital/>

#### Archiving Technology

The Association for Computing Machinery (ACM) computing and public policy page includes papers and news on pending legislation on issues including universal access, copyright and intellectual property, free speech and the Internet, and privacy.

[www.acm.org/serving](http://www.acm.org/serving)

The Carnegie Mellon University Informedia Digital Video Library Project is studying how multimedia digital libraries can be established and used.

[www.informedia.cs.cmu.edu](http://www.informedia.cs.cmu.edu)

The Intermemory Project aims to develop highly-survivable and available storage systems.

[www.intermemory.org](http://www.intermemory.org)

The National Film Preservation Board, established by the National Film Preservation Act of 1988, works with the Library of Congress to study and implement plans for film and television preservation. The site's research page includes links to the board's [1993 film preservation study](#), a [1994 film preservation plan](#), and a [1997 television and video study](#). All the documents warn of the dire state of film and television preservation in the United States.

[www.loc.gov/film/filmpres.html](http://www.loc.gov/film/filmpres.html)

The National Institute of Standards and Technology

(NIST) posts IEC International Standard names and symbols for prefixes for binary multiples for use in data processing and data transmission.

[www.physics.nist.gov/cuu/Units/binary.html](http://www.physics.nist.gov/cuu/Units/binary.html)

**The Text Retrieval Conference (TREC)** encourages research in information retrieval from large text collections.

[trec.nist.gov](http://trec.nist.gov)

### Internet Mapping

**An Atlas of Cyberspaces** has maps and dynamic tools for visualizing Web browsing.

[www.cybergeography.com/atlas/surf.html](http://www.cybergeography.com/atlas/surf.html)

**The Internet Mapping Project** is a long-term project by a scientist at Bell Labs to collect routing data on the Internet.

[www.cs.bell-labs.com/who/ches/map](http://www.cs.bell-labs.com/who/ches/map)

**The Matrix Information Directory Service** has good maps and visualizations of the networked world.

[www.mids.org](http://www.mids.org)

**Peacock Maps** has maps of Internet connectivity.

[www.peacockmaps.com](http://www.peacockmaps.com)

### Internet Statistics

**WebReference** has an Internet statistics page (publisher: Internet.com).

[webreference.com/internet/statistics.html](http://webreference.com/internet/statistics.html)

### Copyright

**The Association for Computing Machinery (ACM)** copyright information page includes text of pertinent laws and pending legislation.

[www.acm.org/usacm/copyright](http://www.acm.org/usacm/copyright)

**Tom W. Bell** teaches intellectual property and Internet law at Chapman University School of Law.

[www.tomwbell.com](http://www.tomwbell.com)

His site includes a graph showing the trend of the maximum US copyright term at

[www.tomwbell.com/writings/\(C\)\\_Term.html](http://www.tomwbell.com/writings/(C)_Term.html)

**Cornell University** posts the text of copyright law at

[www4.law.cornell.edu/uscode/unframed/17/107.html](http://www4.law.cornell.edu/uscode/unframed/17/107.html)

[www4.law.cornell.edu/uscode/unframed/17/108.html](http://www4.law.cornell.edu/uscode/unframed/17/108.html)

**The Digital Future Coalition** is a nonprofit working on the issues of copyright in the digital age.

[www.dfc.org](http://www.dfc.org)

**The National Academy Press** is the publishing arm of the national academies.

"The Digital Dilemma: Intellectual Property in the Information Age"

[http://www.nap.edu/html/digital\\_dilemma/](http://www.nap.edu/html/digital_dilemma/)

**"LC21: A Digital Strategy for the Library of Congress"**  
[www.nap.edu/books/0309071445/html](http://www.nap.edu/books/0309071445/html)

**Pamela Samuelson** is a professor in the School of Information Management and Systems at UC Berkeley.  
[info.berkeley.edu/~pam](mailto:info.berkeley.edu/~pam)

**Title 17 of US copyright code**  
[www.loc.gov/copyright/title17/](http://www.loc.gov/copyright/title17/)

**US Government Copyright Office**  
[www.loc.gov/copyright](http://www.loc.gov/copyright)

#### **Privacy and Free Speech**

**The Association for Computing Machinery (ACM) free-speech information page** includes the text of pertinent laws and pending legislation.  
[www.acm.org/usacm/speech](http://www.acm.org/usacm/speech)

**The Association for Computing Machinery (ACM) privacy information page** includes the text of congressional testimony and links to other resources.  
[www.acm.org/usacm/privacy](http://www.acm.org/usacm/privacy)

**The Benton Foundation Communications Policy and Practice Program** has the goal of infusing the emerging communications environment with public-interest values.  
[www.benton.org/cpphome.html](http://www.benton.org/cpphome.html)

**The Center for Democracy and Technology** works to promote democratic values and constitutional liberties in the digital age.  
[www.cdt.org](http://www.cdt.org)

**The Computers Freedom and Privacy Conference** has a site containing information on each annual conference held since 1991.  
[www.cfp.org](http://www.cfp.org)

**The Electronic Frontier Foundation** works to protect fundamental civil liberties, including privacy and freedom of expression in the arena of computers and the Internet.  
[www EFF.org](http://www EFF.org)

**The Electronic Privacy Information Center**, a project of the Fund for Constitutional Government, is a public-interest research center whose goal is to focus public attention on emerging civil liberties issues and to protect privacy, the First Amendment, and constitutional values.  
[www.epic.org](http://www.epic.org)

**The Free Expression Policy Project** is a think tank on artistic and intellectual freedom at NYU's Brennan Center for Justice. Through policy research and advocacy, they explore freedom of expression issues including censorship, copyright law, media localism, and corporate media reform.  
[www.fepproject.org](http://www.fepproject.org)



The **Internet Free Expression Alliance** is an information and advocacy organization focused on free speech as it relates to the Internet.

[www.ifea.net](http://www.ifea.net)

The **Internet Privacy Coalition** aims to protect privacy on the Internet by promoting the widespread availability of strong encryption and the relaxation of export controls on cryptography.

[www.privacy.org/ipc](http://www.privacy.org/ipc)

The **Privacy Page** includes news, alerts, and links to privacy-related resources. Related organizations include the [Electronic Privacy Information Center](#), the [Internet Privacy Coalition](#), and [Privacy International](#).

[www.privacy.org](http://www.privacy.org)

**Privacy International** is a London-based human rights group formed as a watchdog on surveillance by governments and corporations.

[www.privacy.org/pi](http://www.privacy.org/pi)

Please suggest other pages that may be appropriate here.

### Storage and Preservation

The Archive has two practical considerations in dealing with digital collections:

[How to store](#) massive amounts of data

[How to preserve](#) the data for posterity

### Storage

Storing the Archive's collections involves parsing, indexing, and physically encoding the data. With the Internet collections growing at exponential rates, this task poses an ongoing challenge.

Our hardware consists of PCs with clusters of IDE hard drives. Data is stored on [DLT tape](#) and hard drives in various appropriate formats, depending on the collection. Web data is received and stored in archive format of 100-megabyte ARC files made up of many individual files.

[Alexa Internet](#) (currently the source of all crawls in our collections) is proposing ARC as a standard for archiving Internet objects. See [Alexa](#) for the [format specification](#).

### Preservation

Preservation is the ongoing task of permanently protecting stored resources from damage or destruction. The main issues are guarding against the consequences of accidents and data degradation and maintaining the accessibility of data as formats become obsolete.

**Accidents:** Any medium or site used to store data is potentially vulnerable to accidents and natural disasters. Maintaining copies of the Archive's collections at multiple sites can help alleviate this risk. Part of the collection is already handled this way, and we are

proceeding as quickly as possible to do the same with the rest.

**Migration:** Over time, storage media can degrade to a point where the data becomes permanently irretrievable. Although DLT tape is rated to last 30 years, the industry rule of thumb is to migrate data every 10 years. Given developments in computer hardware, we will likely migrate more often than that.

**Data formats:** As advances are made in software applications, many data formats become obsolete. We will be collecting software and emulators that will aid future researchers, historians, and scholars in their research.

**Find out**

How to get free access to the Archive's Internet collections  
About our announcement and discussion lists on Internet  
libraries and movie archives

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[Terms of Use \(10 Mar 2001\)](#)

# EXHIBIT B

December 13, 2006



Mr. Mel Blackwell  
Vice President, Schools & Libraries Division  
USAC  
2000 L Street, N.W., Suite 200  
Washington, D.C. 20036

Dear Mr. Blackwell,

This letter serves as a certification that the Internet Archive is eligible to receive federal Library Services and Technology Act (LSTA) funding during July 1, 2007 - June 30, 2008.

As a library eligible to receive LSTA funding, it is an eligible entity for E-Rate funding as well.

Please feel free to contact my Library Development Services Bureau Chief, Tom Andersen, should you need further assistance or information. He can be reached at (916) 653-7391 or email at [tandersen@library.ca.gov](mailto:tandersen@library.ca.gov).

Yours truly,

Susan Hildreth  
State Librarian of California

cc: Tom Andersen  
Jacques Cressaty, Internet Archive